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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,086	03/20/2004	Joe Chen	MTKR001	1691

33392 7590 09/29/2005

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EXAMINER
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NGUYEN, TANH Q

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/806,086

Applicant(s)

CHEN, JOE

Examiner

Tanh Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Reissue Applications***

1. The reissue oath/declaration filed September 7, 2005 identified at least one error, which is relied upon to support the reissue application. The amendment filed September 7, 2005 indicated non-elected claims 19-40 being cancelled, and applicant's intention to file a divisional application containing non-elected claims 19-40. However, there is no evidence that a divisional reissue application has been filed. Since the reissue application now contains only original unamended claims, there is no error in the reissue application.
2. Claims 1-18 are rejected based on a lack of error under 35 U.S.C. 251, as the Office will not permit claims to issue in a reissue application which does not contain any error in the original patent - see MPEP 1450.

### ***Allowable Subject Matter***

3. The following is a statement of reasons for the indication of allowable subject matter:

The prior art, individually or in combination, does not teach a method suitable for a Host to update the firmware of a flash ROM through an IDE interface comprising reinterpreting all IDE bus activities so that the flash ROM is updated without using definitions of the IDE interface, redefining registers of task files from definitions of the IDE interface to definitions for updating the flash ROM, entering a flash ROM programming mode with the registers of the task files working under the definitions for

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updating the flash ROM, and reading or writing data on the flash ROM by the Host using the redefined task files of the IDE interface through a software cycle or a hardware cycle.

The prior art, individually or in combination, does not teach a system communicating with a Host, wherein when the flash ROM is to be updated, the Host redefines registers of the task files so that a plurality of control commands and the data are transferred between the system and the Host through the IDE interface, and so that original definitions of the IDE interface is changed and re-defined according to the re-defined registers of the task files; when the Host requests to access the flash ROM, the Host switches the system into a flash ROM programming mode under the re-defined IDE interface and the re-defined registers of the task files, and the flash controller receives read/write activities to the redefined task files from the Host and interprets these redefined activities to perform writing or reading the data on the flash ROM through a software cycle or a hardware cycle.

### ***Response to Arguments***

4. Applicant's arguments, on page 10 of the response, filed September 7, 2005, with respect to the rejections of claims 1-18 under 35 U.S.C. 251 as being based on a defective reissue declaration have been fully considered and are persuasive.

However, claims 1-18 are now rejected on a lack of error under 35 U.S.C. 251, and the current action is made final, because the pending claims are found allowable

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without evidence of a divisional reissue application (containing non-elected claims 19-40) being timely filed.

Applicant needs to inform the Office of the timely filing of a divisional reissue application containing the non-elected claims, and provide evidence of such filing - in order for the current reissue application to be properly suspended and in order to avoid unintentional abandonment of the current reissue application. It is suggested that applicant also make a request for the current reissue application to be suspended to await examination of the divisional reissue application when informing the Office of the timely filing of a divisional reissue application containing the non-elected claims.

Upon receiving evidence of a divisional reissue application containing the non-elected claims being timely filed, further action in the current application will be suspended to await examination of the divisional reissue application - see MPEP 1450.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Quang Nguyen whose telephone number is (571) 272-4154 and whose e-mail address is [tanh.nguyen36@uspto.gov](mailto:tanh.nguyen36@uspto.gov). The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for After Final, Official, and Customer Services, or (571) 273-4154 for Draft to the Examiner (please label "PROPOSED" or "DRAFT").

Effective May 1, 2003 are new mailing address is:

Mail Stop \_\_\_\_\_

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Effective December 1, 2003, hand-carried patent application related incoming correspondences will be to a centralized location.

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Information regarding the status of an application may be obtained from the

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Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.



**KIM HUYNH**  
**PRIMARY EXAMINER**  
9/29/05

TQN  
September 20, 2005